

SENATE JOINT RESOLUTION 93

By McNally

A RESOLUTION relative to fraud and abuse in the TennCare program.

WHEREAS, abuse and fraud are significant problems in the TennCare program as evidenced by the numerous convictions involving enrollees fraudulently obtaining controlled substances through doctor shopping or illegally selling drugs obtained through TennCare to others; and

WHEREAS, in response to this problem, TennCare officials sought a waiver from the Centers for Medicare and Medicaid Services (CMS) in 2004 and 2005 to permit the State of Tennessee to disqualify for a period of one (1) year TennCare enrollees who had been convicted under state law of fraud against the TennCare program or the illegal sale of prescription drugs; and

WHEREAS, the waiver request was subsequently denied, and TennCare officials were informed by CMS that federal law does not grant authority to disenroll an enrollee due to fraud; and

WHEREAS, it is outrageous that TennCare is unable to disenroll the very persons who are abusing and defrauding the program and thus diverting medical care and resources away from citizens who genuinely need them; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we hereby strongly urge the United States Congress and the Centers for Medicare and Medicaid Services to act expeditiously to permit the various states of the union to disqualify enrollees who have been convicted of a criminal offense under state law involving

Medicaid or TennCare fraud or the illegal sale of prescription drugs received from such programs.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the presiding officers of the United States Senate and the United States House of Representatives and the Centers for Medicare and Medicaid Services.